

IN THE SUPREME COURT OF THE STATE OF DELAWARE

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| PATRICIA KOSTSHYN, | § |
| | § |
| Defendant Below, | § No. 116, 2023 |
| Appellant, | § |
| | § Court Below—Superior Court |
| v. | § of the State of Delaware |
| | § |
| NEW CASTLE COUNTY, | § C.A. No. N22J-02871 |
| | § |
| Plaintiff Below | § |
| Appellee. | § |

Submitted: July 19, 2023

Decided: July 27, 2023

Before **SEITZ**, Chief Justice; **TRAYNOR** and **GRIFFITHS**, Justices.

ORDER

After consideration of the notice to show cause and the appellant's response, it appears to the Court that:

(1) The appellant, Patricia Kostyshyn, filed this appeal from a monition action in the Superior Court. On May 8, 2023, the Clerk's office extended the record deadline, at the Superior Court Deputy Prothonotary's request, so that the Superior Court could provide Kostyshyn with a form motion to proceed *in forma pauperis*. On June 12, 2023, the Deputy Prothonotary submitted a letter stating that the court had sent Kostyshyn the form motion, but the appellant had not paid the Superior Court's appeal preparation fee or filed a motion to proceed *in forma pauperis* as to that fee. The Clerk's office sent Kostyshyn a letter withdrawing the record deadline

and directing her to pay the Superior Court appeal preparation fee by June 22, 2023, or a notice to show cause would issue. Kostyshyn did not pay the Superior Court fee as directed or file a motion to proceed *in forma pauperis* as to that fee.

(2) On June 27, 2023, the Clerk's office issued a notice, by certified mail, directing Kostyshyn to show cause why this appeal should not be dismissed for her failure to pay the Superior Court appeal preparation fee. Postal records show that the notice has been moving through the network since July 3, 2023. On July 14, 2023, the Clerk's office reissued the notice to show cause by first class mail. The Court's correspondence and notices to show cause were sent to the address that Kostyshyn provided, and continues to provide, to this Court.

(3) On July 19, 2023, Kostyshyn filed documents in this appeal that are deemed to be her response to the notice to show cause.¹ The documents do not address her failure to pay the Superior Court appeal preparation fee or file a motion to proceed *in forma pauperis* as to that fee. In light of Kostyshyn's failure to pay the Superior Court appeal preparation fee, this appeal must be dismissed.

¹ It appears that on July 14, 2023, appellee's counsel emailed the notice to show cause to Kostyshyn.

NOW, THEREFORE, IT IS ORDERED, under Supreme Court Rule 29(b),
that this appeal is DISMISSED.

BY THE COURT:

/s/ N. Christopher Griffiths
Justice